

IN THE SUPREME COURT OF THE STATE OF MONTANA
Case No. _____

HERMAN GONZALES; FAWN LYONS; KEN LAUDATO; LAWRENCE WALKER; GARY MANSIKKA; GARY GALETTI; GREG WHITING; MARVIN KRONE; RICHARD BLACK; JIM KELLY; CHRIS SOUSLEY, and all others similarly situated,

Plaintiffs and Appellees,

v.

MONTANA POWER COMPANY; NORTHWESTERN CORPORATION, a Delaware Corporation; PUTMAN AND ASSOCIATES, INC., a Montana corporation; NORTHWESTERN ENERGY; NORTHWESTERN CORPORATION d/b/a NORTHWESTERN CORPORATION as a reorganized debtor, subsequent to its plan confirmation, herein after referred to as NOR; and JOHN DOES II and III and JOHN DOES IV thru XX,

Defendants and Appellant.

FILED

OCT 19 2009

NOTICE OF APPEAL

Ed Smith
~~CLERK OF THE SUPREME COURT~~
STATE OF MONTANA

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NOTICE is given that NorthWestern Corporation, as a reorganized debtor, subsequent to its bankruptcy plan confirmation, and also referred to in this matter as "NOR," the Appellant above-named and who is a defendant in that cause of action filed in the Second Judicial District Court, in and for the County of Butte-Silver Bow, as Cause No. DV-98-253, hereby appeals to the Supreme Court of the State of Montana from the "Order Granting Certification of Class Action Except for Fraud and Granting Leave to File Sixth Amended Complaint" entered in such action on the 30th of September, 2009.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by Mont. R. App. P. 7. The money judgment being sought is not less than \$5,000.
2. That this appeal is not an appeal from an order certified as final under Mont. R. Civ. P. 54(b).
3. That the notice required by Mont. R. App. P. 27 is not applicable to this appeal.
4. That all available transcripts of the proceedings in this cause have not been ordered from the court reporter contemporaneously with the filing of this notice of appeal. However, Appellant has complied with the provisions of Mont. R. App. P. 8(3) in ordering relevant transcripts to the issues on appeal contemporaneously with the filing of this notice of appeal.
5. That included herewith is the filing fee prescribed by statute.

Dated this 19th day of October, 2009.

BROWNING, KALECZYC, BERRY & HOVEN,
P.C.

By


Chad E. Adams

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of October, 2009, I mailed a true and correct copy of the above and fore going Notice of Appeal, by the United States Postal Services, postage prepaid, addressed to the following counsel of record:


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